

REMARKS

Claims 1-11 are pending in the application. Claims 1-11 are rejected. Claims 12-23 have been canceled in response to a Restriction Requirement. Applicant reserves the right to pursue claims 12-23 in one or more continuation and/or divisional applications.

Claims 1-11 are rejected under 35 U.S.C. 101 as being drawn to non-statutory subject matter.

Claims 1-11 are rejected under 35 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Entry of this Amendment is proper under 37 CFR § 1.116 since the amendment: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issue requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; (c) satisfies a requirement of form asserted in the previous Office Action; (d) does not present any additional claims without canceling a corresponding number of finally rejected claims; or (e) places the application in better form for appeal, should an appeal be necessary. The amendment is necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. Entry of the amendment is thus respectfully requested.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., to just avoid the prior art

in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, since a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewritten to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

Statement of Substance of Interview

Applicant's representative, Michael Bentley, thanks Examiner Narayanswamy for extending his courtesies for a telephonic interview on February 23, 2007, regarding the rejection of claim 1 under 35 U.S.C 101.

Applicant's representative acknowledges the Examiner's Interview Summary mailed on March 8, 2007.

During the telephonic interview, Examiner Narayanswamy suggested amendments to claim 1 that would overcome the 35 U.S.C 101 rejection of claim 1, indicating that the proposed amendments may put the claims in condition for allowance pending a new search and/or consideration. No agreement was reached regarding allowance of any claims.

Rejection Under 35 U.S.C. 101

Claims 1-11 are rejected under 35 U.S.C. 101 as being drawn to non-statutory subject matter. Specifically, the Examiner asserts that claims 1-11 recite a non-statutory process. Applicant respectfully traverses the rejection.

In order to constitute patentable subject matter, the invention must be one of the enumerated statutory categories or a practical application of a judicial exception to one of the

enumerated statutory categories. The practical application may be a practical application by physical transformation or a practical application that produces a useful, concrete, and tangible result. Applicant's claim 1 includes a limitation of "displaying, upon a display device, a message indicative of the results of said evaluation, said displayed message indicative of whether said transaction is appropriate with respect to said budgetary constraint." Thus, Applicant's claim 1 produces a useful, concrete, and tangible result.

The display of a message indicative of the results of an evaluation of transaction data and budgetary data, where the displayed message is indicative of whether a transaction is appropriate with respect to a budgetary constraint is a useful result. The display of such a message on a display device advantageously enables one or more users to determine whether or not a transaction is appropriate with respect to a budgetary constraint, which is clearly a useful result. This result is specific, substantial, and credible. As such, Applicant's invention of claim 1 produces a useful result.

The display of a message indicative of whether a transaction is appropriate with respect to a budgetary constraint is clearly a concrete result. For an invention to produce a "concrete" result, the process must have a result that can be substantially repeatable or the process must produce the same result again. In re Swartz, 232 F.3d 862, 864, 56 USPQ2d 1703, 1704 (Fed. Cir. 2000). Here, the result of displaying a message indicative of whether a transaction is appropriate with respect to a budgetary constraint is clearly substantially repeatable. This process is not unpredictable. Rather, each time the process is performed, a result will be displayed on the display device. Specifically, a message will be displayed on the display device, where the message is indicative of whether a transaction is appropriate with respect to a budgetary constraint. As such, Applicant's invention of claim 1 produces a concrete result.

Applicant's claim 1 includes a limitation of "displaying, upon a display device, a message indicative of the results of said evaluation, said displayed message indicative of whether said transaction is appropriate with respect to said budgetary constraint." The display of a message indicative of whether a transaction is appropriate with respect to a budgetary constraint is clearly a tangible result. For an invention to produce a "tangible" result, the process claim must set forth a practical application of a 35 U.S.C. 101 judicial exception to produce a real-world result. Benson, 409 U.S. at 71-72, 175 USPQ at 676-677. Here, the result of displaying a message indicative of whether a transaction is appropriate with respect to a budgetary constraint

is clearly a real-world result. The displaying of such information on a display device is clearly not abstract. Rather, since a message indicative of whether a transaction is appropriate with respect to a budgetary constraint is displayed on a display device such that the message may be viewed by one or more users, displaying the message indicative of results is a real-world result. As such, Applicant's invention of claim 1 produces a tangible result.

Applicant's invention of claim 1 produces a useful, concrete, and tangible result. As such, Applicant respectfully submits that claims 1-11 satisfy the requirements of 35 U.S.C. 101 and are allowable thereunder. Therefore, the Examiner's rejection should be withdrawn.

Rejection Under 35 U.S.C. 112, Second Paragraph

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, with respect to claim 1, the Examiner asserts that "[i]t is not clear as to what is the relationship between the first three steps of the claim and the last step of the claim." (Office Action, Pg. 6). Applicant respectfully traverses the rejection.

Applicant has herein amended claim 1 to more clearly indicate that the financial transaction data and budgetary data stored in at least one database of the portable computing device is periodically synchronized with financial transaction data and budgetary data stored in at least one corresponding database within a second computing device. As such, the steps of evaluating and displaying are performed using stored financial transaction data and budgetary data that is periodically synchronized with financial transaction data and budgetary data of a second computing device. Applicant submits that the relationship between storing financial transaction data and budgetary data in at least one database of the portable computing device and periodically synchronizing the financial transaction data and budgetary data stored in the at least one database of the portable computing device with financial transaction data and budgetary data stored in at least one corresponding database within a second computing device is sufficiently clear. Furthermore, Applicant submits that it is clear that periodic synchronization of financial transaction data and budgetary data is not dependent on the outcome of the evaluating and displaying steps. As such, Applicant submits that Applicant's claim 1 is definite.

As such, Applicant respectfully submits that claims 1-11 satisfy the requirements of 35 U.S.C. 112 and are allowable. Therefore, the Examiner's rejection should be withdrawn.

Secondary References

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to Applicant's disclosure than the primary references cited in the Office Action. Therefore, Applicant believes that a detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Michael Bentley at (732) 383-1434 or Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

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